



Broadcasting Decision CRTC 2013-605

PDF version

Route reference: 2013-318

Ottawa, 13 November 2013

Education Alternative Radio Society
Prince George, British Columbia

Application 2013-0092-0, received 17 January 2013

CFUR-FM Prince George – Licence renewal

*The Commission **renews** the broadcasting licence for the campus radio station CFUR-FM Prince George from 1 January 2014 to 31 August 2020.*

Introduction

1. The Commission received an application by Education Alternative Radio Society (EARS) to renew the broadcasting licence for the campus radio station CFUR-FM Prince George, which expires 31 December 2013.¹
2. The Commission received a supporting intervention by the National Campus and Community Radio Association, as well as an intervention by the Province of British Columbia relating to the participation of CFUR-FM in the National Public Alerting System (NPAS). The public record for this application can be found on the Commission's website at www.crtc.gc.ca under "Public Proceedings."
3. As specified in its three-year plan, the Commission will be looking at measures to ensure the participation of Canadian broadcasters and telecommunications service providers in the NPAS. Therefore, the Commission will not impose conditions of licence requiring the participation of broadcasters in the NPAS at this time. However, the Commission expects all licensees to voluntarily participate in the NPAS so that Canadians receive timely warnings of imminent perils.

Non-compliance

4. Section 9(2) of *Radio Regulations, 1986* (the Regulations) requires licensees to file an annual return by 30 November of each year for the broadcast year ending the previous 31 August. The filing requirements, including the requirement to submit financial statements with the annual returns, are set out in Broadcasting Information Bulletin 2011-795.

¹ The original licence expiry date for CFUR-FM was 31 August 2013. The licence was administratively renewed until 31 December 2013 as a result of Broadcasting Decision 2013-418.

5. In Broadcasting Notice of Consultation 2013-318, the Commission noted that the licensee appeared to be in non-compliance with section 9(2) of the Regulations regarding the provision of annual returns for the 2010-2011 broadcast year. Specifically, the licensee did not provide its annual return by the 30 November deadline.
6. EARS attributed the non-compliance to a lack of financial and human resources, but indicated that since then it had hired a station manager as a full-time employee to ensure that there was an employee who fully understood the station's requirements and would ensure compliance, including the timely submission of annual reports.
7. In light of the above, the Commission finds the licensee in non-compliance with section 9(2) of the Regulations for the 2010-2011 broadcast year.

Regulatory measures

8. In Broadcasting Information Bulletin 2011-347, the Commission announced a revised approach to non-compliance by radio stations. Specifically, the Commission indicated that each instance of non-compliance would be evaluated in its context and in light of factors such as the quantity, recurrence and seriousness of the non-compliance. The Commission also indicated that it would consider the circumstances of the non-compliance, the arguments provided by the licensee and the measures taken to rectify the situation.
9. The Commission notes that compliance with the deadlines for the filing of complete annual returns is important because it enables the Commission to monitor a licensee's performance and compliance with the Regulations and its conditions of licence. The Commission reminds the licensee that as set out in Broadcasting Information Bulletin 2011-795, it is the licensee's responsibility to ensure that all appropriate forms and documentation are included with the submission of its annual returns.
10. The Commission has reviewed the record for this application and notes the licensee's explanation for the non-compliance. The Commission is of the view that the late filing of the annual return was an isolated incident as there were no subsequent non-compliance issues identified in the current licence term. The Commission is therefore confident that the necessary measures have been put in place to ensure future compliance. Given the circumstances surrounding EARS' non-compliance, the Commission considers it appropriate to grant a full-term renewal to the station.

Conclusion

11. In light of all of the above, the Commission **renews** the broadcasting licence for the campus radio programming undertaking CFUR-FM Prince George from 1 January 2014 to 31 August 2020. The licensee shall adhere to the **conditions of licence** set out in Broadcasting Regulatory Policy 2012-304, as amended from time to time.

Reminder

12. The Commission reminds the licensee that pursuant to section 22 of the *Broadcasting Act*, the broadcasting licence will cease to have any force or effect if the broadcasting certificate issued by the Department of Industry lapses.

Filing of ownership information

13. As set out in Broadcasting Regulatory Policy 2010-499, the Commission expects all community and campus licensees to file yearly updates on the composition of their boards of directors. These annual updates can be submitted at the time of submission of annual returns, following annual board of directors' elections or at any other time. As noted in Appendix 3 to that policy, licensees may submit such documentation via the Commission's website.

Employment equity

14. The Commission considers that campus radio stations should be particularly sensitive to employment equity issues in order to reflect fully the communities they serve. It encourages the licensee to consider these issues in its hiring practices and in all other aspects of its management of human resources.

Secretary General

Related documents

- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2013-418, 19 August 2013
- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2013-318, 2 July 2013
- *Standard conditions of licence for campus and community radio stations*, Broadcasting Regulatory Policy CRTC 2012-304, 22 May 2012
- *Filing annual returns for radio programming undertakings*, Broadcasting Information Bulletin CRTC 2011-795, 20 December 2011
- *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011
- *Campus and community radio policy*, Broadcasting Regulatory Policy CRTC 2010-499, 22 July 2010

**This decision is to be appended to the licence.*